

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:14cv49**

MAUTILUS INSURANCE COMPANY,)

Plaintiff,)

v.)

ORDER

**SMOKEY MTN CONSTRUCTION)
CO., PATRICK BRAY, and)
MARGARET O'BANNION,)**

Defendants.)

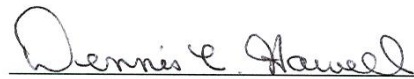
Pending before the Court is the Motion to Compel [# 15] and Motion for Leave to File Response to Motion to Compel [# 16]. Plaintiff moves to compel Defendants to provide their initial disclosures and to respond to Plaintiff's discovery requests. Defendants failed to file a timely response to the Motion to Compel. Accordingly, Defendants moved for leave to file a response out of time. Defendants included their response to the Motion to Compel in their Motion for Leave to File Response to Motion to Compel [# 16]. In their Response to the Motion to Compel, Defendants agree that Plaintiff is entitled to an Order compelling Defendants to fully respond to Plaintiff's discovery requests and to provide initial disclosures.

Upon a review of the parties' pleadings, the record, and the relevant legal authority, the Court **GRANTS** the Motion for Leave to File Response to Motion to Compel [# 16]. The Court also **GRANTS** the Motion to Compel [# 15].

Defendants shall have ten (10) days from the entry of this Order to provide Plaintiff with initial disclosures and to respond to Plaintiff's discovery requests.

The Court notes that the Court would have awarded Plaintiff its fees, including attorney's fees, in bringing the Motion to Compel, but Plaintiff specifically stated in its motion that it was not seeking an award of costs and fees.

Signed: May 14, 2015

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Dennis L. Howell
United States Magistrate Judge

